

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Tracy Cole

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MAGNIFY, INC., *et al.*,

Defendants.

Adv. Pro. No.10-05279 (SMB)

**AMENDED STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
WITH PREJUDICE OF DEFENDANT SPECIAL SITUATIONS CAYMAN FUND, L.P.**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Special Situations Cayman Fund, L.P. (“SSCF”), by and through its counsel, Lowenstein Sandler, P.C. (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 6, 2010, the Trustee filed a Complaint against SSCF and other defendants in the above-captioned action. Thereafter, on September 21, 2011, the Trustee filed an Amended Complaint.

2. On May 13, 2011, SSCF served an Answer on the Trustee. By stipulation and order entered October 19, 2011, SSCF and the Trustee agreed that SSCF’s previously-filed Answer would be deemed to be, and would operate as, an Answer to the Trustee’s Amended Complaint.

3. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal of the Trustee’s claims against SSCF in the above-captioned adversary proceeding with prejudice and without costs to either Party.

4. The provisions of this Amended Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

5. Upon the dismissal of SSCF, the caption of the above-referenced adversary proceeding is hereby amended to delete SSCF from the caption. The amended caption of the above-captioned adversary proceeding shall appear as indicated in Exhibit A to this Amended

Stipulation and Order. The amended caption on Exhibit A to this Amended Stipulation and Order corrects an error present in the Exhibit A to the original Stipulation filed by the Parties on September 17, 2015, whereby a previously-dismissed defendant was inserted into the caption.

6. This Amended Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: November 6, 2015

BAKER & HOSTETLER LLP

By: /s/ Tracy Cole
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Tracy Cole
Email: tcole@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for
the Liquidation of Bernard L. Madoff Investment
Securities LLC and Bernard L. Madoff*

LOWENSTEIN SANDLER, P.C.

By: /s/ Sheila A. Sadighi
1251 Avenue of the Americas, 18th Floor
New York, New York 10020
Telephone: 212.262.6700
Facsimile: 212.262.7402
Sheila A. Sadighi
Email: ssadighi@lowenstein.com
Reynold Lambert
Email: rlambert@lowenstein.com

*Attorneys for Defendant Special Situations Cayman
Fund LP*

SO ORDERED

Dated: October 6th, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE